

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

GABRIEL G. H. MIDALGO,

Plaintiff,

DECISION AND ORDER

05-CV-6004L

v.

SGT. KEOUGH, et al.,

Defendants.

Plaintiff's motions for a temporary restraining order, filed July 27, 2005 (Dkt. #20) and August 15, 2005 (Dkt. #21), are in all respects denied. Plaintiff has failed to demonstrate irreparable harm and a likely success on the merits. The issues plaintiff raises can be resolved in the litigation concerning the claims raised in his complaint.

Plaintiff's motion for leave to file an amended complaint (Dkt. #24) is granted.

IT IS SO ORDERED.



DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
September 8, 2005.

